



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/335,127	06/17/1999	WILLIAM PATRICK COAN	113444	6119

23838 7590 04/25/2002

KENYON & KENYON  
1500 K STREET, N.W., SUITE 700  
WASHINGTON, DC 20005

EXAMINER

LEE, JOHN J

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 04/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/335,127

Applicant(s)

COAN ET AL.

Examiner

John J Lee

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 June 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Objections*

1. Claims 7, 13, and 19 are objected to because of the following informalities:  
it is suggested that the spelling of the word "central channel" should be changed to "control channel". Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1 – 20** are rejected under 35 U.S.C. 102(e) as being anticipated by Vayrynen et al. (US Patent number 5,606,548).

Regarding **claim 1**, Vayrynen discloses that a method for wireless communication for non-latency dependent data, the method comprising:

receiving data for transmission (Fig. 2) to a base station (30 in Fig. 2) (column 3, lines 27 – 50);

determining whether the data (Fig. 4) is appropriate for transmission over a digital control channel (column 3, lines 51 – column 4, lines 62 and Fig. 3); and

if the data is not appropriate for transmission over a digital control channel, transmitting the data over a traffic channel (column 4, lines 25 – column 5, lines 62 and Fig. 3).

Regarding **claim 2**, Vayrynen discloses that the determining includes determining whether the data is less than a predetermined size (column 2, lines 15 – column 3, lines 3 and column 4, lines 45 – column 5, lines 62).

Regarding **claim 3**, Vayrynen discloses all the limitation, as discussed in claim 1. Furthermore, Vayrynen further discloses that if the data is appropriate for transmission over a digital control channel, determining whether network conditions are favorable for transmission over a digital control channel (column 4, lines 25 – column 5, lines 62 and column 2, lines 15 – column 3, lines 3); and

if network conditions are favorable, transmitting the data over a digital control channel to the base station (column 4, lines 25 – column 5, lines 62 and column 2, lines 15 – column 3, lines 3).

Regarding **claim 4**, Vayrynen discloses all the limitation, as discussed in claims 1 and 3. Furthermore, Vayrynen further discloses that queuing the data for future transmission if network conditions are not favorable for transmitting the data (column 4, lines 25 – column 5, lines 62).

Regarding **claim 5**, Vayrynen discloses that the determining whether the data is appropriate for transmission over a digital control channel includes determining whether the data is less than a predetermined size (column 2, lines 15 – column 3, lines 3 and column 4, lines 45 – column 5, lines 62).

Regarding **claim 6**, Vayrynen discloses that conditions favorable for transmission include the existence of a slot in the digital control channel into which the data can be placed for transmission (Fig. 5 and column 4, lines 25 – column 5, lines 62).

Regarding **claim 7**, Vayrynen discloses all the limitation, as discussed in claims 3 and 4. Furthermore, Vayrynen further discloses that monitoring network conditions (24a in Fig. 1) for conditions favorable for transmission (column 4, lines 45 – column 5, lines 62 and Fig. 1, 3) ; and

transmitting the data over a digital central channel when network conditions are favorable for transmission (column 4, lines 45 – column 5, lines 62 and column 2, lines 15 – column 3, lines 3).

Regarding **claim 8**, Vayrynen discloses all the limitation, as discussed in claims 3 and 6.

Regarding **claim 9**, Vayrynen discloses all the limitation, as discussed in claims 3 and 7. Furthermore, Vayrynen further discloses that a processor (18 in Fig. 1); and

a memory (24 in Fig. 1) coupled to said processor (Fig. 1), said memory (24 in Fig. 1) storing instructions adapted to be executed on said processor (Fig. 1 and column 3, lines 27 – column 4, lines 22).

Regarding **claim 10**, Vayrynen discloses all the limitation, as discussed in claims 3 and 4.

Regarding **claim 11**, Vayrynen discloses all the limitation, as discussed in claims 3 and 5.

Regarding **claim 12**, Vayrynen discloses all the limitation, as discussed in claims 3 and 6.

Regarding **claim 13**, Vayrynen discloses all the limitation, as discussed in claims 7 and 9.

Regarding **claim 14**, Vayrynen discloses all the limitation, as discussed in claims 6 and 13.

Regarding **claim 15** Vayrynen discloses all the limitation, as discussed in claims 3 and 9.

Regarding **claim 16**, Vayrynen discloses all the limitation, as discussed in claims 3 and 4.

Regarding **claim 17**, Vayrynen discloses all the limitation, as discussed in claims 3 and 5.

Regarding **claim 18**, Vayrynen discloses all the limitation, as discussed in claims 3 and 6.

Regarding **claim 19**, Vayrynen discloses all the limitation, as discussed in claims 7 and 9.

Regarding **claim 20**, Vayrynen discloses all the limitation, as discussed in claims 3 and 6.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Briere et al. (US Patent number 6,212,386) discloses Automated Tool Method for Frequency Plan Revision Within a Cellular Telephone System.

Raith et al. (US Patent number 5,970,057) discloses Distinguishing between a Digital Control Channel and a Digital Traffic Channel in a Radio Communication System.

Brunner et al. (US Patent number 5,541,978) discloses Implementing a Backup Digital Control Channel Within a Cellular Telecommunications Network.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached on **(703)**

Art Unit: 2682

**308-6739.** Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L

April 20, 2002

John J Lee



VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

4/22/02